



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,210	07/11/2001	Masao Yamamoto	01-412	9975

28970 7590 02/09/2004

SHAW PITTMAN
IP GROUP
1650 TYSONS BOULEVARD
SUITE 1300
MCLEAN, VA 22102

EXAMINER

FINEMAN, LEE A

ART UNIT PAPER NUMBER

2872

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,210

Applicant(s)

YAMAMOTO, MASAO

Examiner

Lee Fineman

Art Unit

2872

AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13. 6) ☐ Other: _____

Art Unit: 2872

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 October 2003 has been entered in which claim 16 was amended, claims 27 and 28 were added and claims 1, 5, 8-15 and 17-26 were cancelled. Claims 16, 27 and 28 are pending.

Drawings

1. The replacement drawing was received on 15 October 2003. This drawing is not acceptable. The drawing needs to be in black ink.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lia, U.S. Patent No. 5,222,477.

Lia discloses in figs. 2, 4, and 6 a light shield plate (27) which is fitted in the optical path of image light of a video camera (21) having one image pickup element (22) and guides an

Art Unit: 2872

image light for a left eye and an image light for a right eye to which an appropriate visual angle is given (column 3, line 60-column 4, line 19) to said image pickup element, to thereby pick up a stereoscopic image by said video camera (column 3, line 60); wherein said light shield plate has two openings (28, 29) defined therein so that one light that has passed through one of those two openings in said light shield plate becomes the image light for the left eye (figs. 4 and 5), and the other light that has passed through the other opening in said shield plate becomes the image light for the right eye (figs. 2 and 3); and wherein a shutter plate (30) through which light does not pass and which is disposed as to be movable forward and backward in an optical path of the left eye light or the right eye light is disposed in each of the openings (column 3, line 60-column 4, line 19, figs. 2 and 4), wherein the light shield plate is a component of one objective lens system (25) that allows the image light for the left eye and the image light for the right eye to pass, wherein the objective lens system and the light shield plate are integrated with each other (figs. 2, 4 and 6).

Regarding claim 28, Lia further discloses wherein the light shield plate comprises liquid crystal plates for each of the image lights for the left and right eyes (column 4, lines 8-10).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2872

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lia in view of Mihalca et al., U.S. Patent No. 5,964,696.

Lia discloses the claimed invention except wherein the light shield plate comprises polarization plates for each of the image lights for the left and right eyes. Mihalca et al. teach a device for picking up a stereoscopic image (fig. 2) comprising one image pickup element (14) to which an image light for a left eye and an image light for a right eye are guided for picking up an image for the left eye and an image for the right eye which are used as a stereoscopic image and given an appropriate visual angle (column 3, lines 26-33) wherein a light shield plate (figs. 4 and 4A, 46) comprises polarizing plates (54, 56) for each of the image lights for the left and right eyes. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace light shield plate of Lia with the polarizing plates of Mihalca et al. to provide a compact device with better stereoscopic properties like perceiving depth (column 3, lines 55-59).

Response to Arguments

6. Applicant's arguments filed 15 October 2003 have been fully considered but they are not persuasive.

Applicant argues Lia does not disclose a light shield plate and an objective lens system that are integrated with each other. The examiner respectfully disagrees. Merriam-Webster's Collegiate Dictionary, Tenth Edition defines integrated as "to form, coordinate, or blend into a functioning or unified whole. In figs. 2, 4 and 6, Lia discloses a light shield plate (27) and an objective lens system (25) that are coordinated to function together, i.e. integrated, within the tip (12) of the system to provide an image light to the image pickup element (22).

Art Unit: 2872

7. It is noted by the Examiner that the objection to the specification made in the previous Office Action has been withdrawn due to amendment by the Applicant.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (571) 272-2313. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-23124. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.



LAF

January 29, 2004


MARK A. ROBINSON
PRIMARY EXAMINER